

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID McCULLOUGH,

Petitioner,

-v-

9:11-CV-1112

NYS DIVISION OF PAROLE,

Respondent.

APPEARANCES:

OF COUNSEL:

DAVID McCULLOUGH
Petitioner Pro Se
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THOMAS B. LITSKY, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se petitioner David McCullough brought this petition for habeas relief pursuant to 28 U.S.C. § 2254. On March 23, 2015, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be dismissed and no certificate of appealability be issued. No objections to the Report-Recommendation were filed.

Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

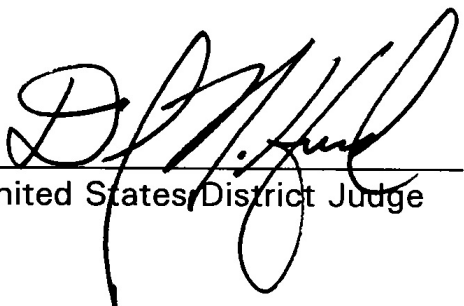
Therefore, it is

ORDERED that

1. The petition for a writ of habeas corpus is DENIED and DISMISSED;
2. Because petitioner has not made a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253; and
3. The Clerk serve a copy of this Decision and Order on the parties in accordance with the Local Rules, enter judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: April 15, 2015
Utica, New York.


United States District Judge